

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CYPRESS HOLDINGS, III, L.P., individually and derivatively on behalf of SPORT-BLX, INC.,

Plaintiff,

-against-

GEORGE HALL, JOSEPH DEPERIO, SPORT-BLX, INC. and GLASSBRIDGE ENTERPRISES, INC.,

Defendants.

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DECLARATION OF CHRISTIAN D. CARBONE IN SUPPORT OF MOTION PERMITTING DANIELLE QUINN TO WITHDRAW AS COUNSEL FOR DEFENDANT GLASSBRIDGE ENTERPRISES, INC.

I, CHRISTIAN D. CARBONE, hereby declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner with Loeb & Loeb LLP, attorneys for Defendant GlassBridge Enterprises, Inc. (“GlassBridge”). I am fully familiar with the facts set forth herein, and respectfully submit this Declaration in support of the motion of Loeb & Loeb LLP (“Loeb”), as counsel for GlassBridge, seeking an Order, pursuant to Local Civil Rule 1.4, permitting former Loeb attorney Danielle Quinn to withdraw as counsel of record for GlassBridge and discontinue noticing through the CM/ECF system.

FACTUAL BACKGROUND

2. On January 11, 2022, Plaintiff Cypress Holdings, III, L.P. (“Cypress”) filed a Complaint against GlassBridge and co-Defendants Sport-BLX, George Hall, and Joseph De Perio (collectively, “Co-Defendants”), in New York Supreme Court, New York County, asserting federal and state RICO claims against GlassBridge. After Co-Defendants removed Cypress’s Complaint to this Court, (ECF No. 2), Cypress filed its Amended Complaint. (ECF No. 17.)

3. Ms. Quinn filed a notice of appearance on behalf of Glassbridge on April 15, 2022. (ECF No. 20.)

4. On May 31, 2022, Glassbridge filed a motion to Disqualify Fox Rothschild LLP from representing Cypress in this litigation (the “Motion to Disqualify”). (ECF Nos. 26-32.)

5. This Court granted the Motion to Disqualify by Opinion and Order dated August 23, 2022. (ECF No. 46.)

6. On October 7, 2022, Ms. Quinn’s last day at Loeb, Ms. Quinn filed a motion to withdraw as counsel for Glassbridge (ECF No. 49). Ms. Quinn is no longer associated with Loeb.

7. This Court denied Ms. Quinn’s application on October 11, 2022, “without prejudice to renewal in compliance with the Local Rule 1.4.” (ECF No. 50.) A true and correct copy of the Court’s October 11, 2022 Order is attached hereto as Exhibit 1.

8. On October 12, 2022, the parties submitted a joint status letter in advance of the telephonic initial pre-trial conference before this Court, which is currently scheduled for October 19, 2022. (ECF No. 46 at 10; ECF No. 51.)

ARGUMENT

9. Pursuant to Local Civil Rule 1.4:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar, and whether or not the attorney is asserting a retaining or charging lien. All applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties.

10. An Order permitting Ms. Quinn’s withdrawal is warranted under Local Civil Rule 1.4 because Ms. Quinn is no longer associated with Loeb. Moreover, prosecution of this action

will not be disrupted or delayed by Ms. Quinn's withdrawal because Loeb, including the undersigned, will continue to represent GlassBridge.

11. Loeb is not asserting a retaining or charging lien in connection with this motion.

12. GlassBridge was given due notice of Ms. Quinn's withdrawal and, consistent with Local Civil Rule 1.4, a copy of this Declaration, and all accompanying materials, are being served on Glassbridge concurrently herewith.

CONCLUSION

13. For the reasons detailed above, Loeb respectfully requests that this Court enter an Order permitting former Loeb attorney Danielle Quinn to withdraw as counsel of record for GlassBridge and discontinue noticing through the CM/ECF system, together with such other and further relief as the Court may deem just and proper.

Dated: New York, New York
October 13, 2022

/s/ Christian D. Carbone

CHRISTIAN D. CARBONE